

PTO/SB/64a (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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JAL
JFW**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN
OR INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number (Optional)

8212

First named inventor: Thomas J. Watson

Application No.: 10/045,331

Art Unit: 3754

Filed: October 23, 2001

Examiner: Eric S. Keasel

Title: System and Method for Filtering Reflected Infrared Signals

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.137(b)

01/19/2005 SDENBOB1 00000060 10045331

01 FC:1453

1500.00 OP

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is October 23, 2001.

[Page 1 of 2]


This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

| | |
|---|---|
|  _____ Signature | _____ January 14, 2005 Date |
| _____ Leslie S. Miller Typed or printed name | _____ 30,662 Registration Number, if applicable |
| _____ 1000 North Water Street, Suite 2100 Address | _____ 414 298-8321 Telephone Number |
| _____ Milwaukee, Wisconsin 53202 Address | |

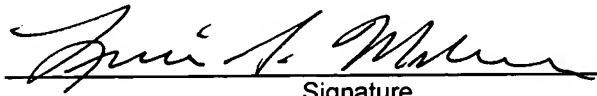
Enclosures: ☒ Fee Payment
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

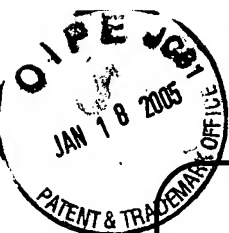
- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

January 14, 2005
Date



Signature

Leslie S. Miller
Typed or printed name of person signing certificate

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | | | |
|---|----------------------|------------------------|------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/045,331 | |
| | Filing Date | 10/23/2001 | |
| | First Named Inventor | Thomas J. Watson | |
| | Art Unit | 3754 | |
| | Examiner Name | Eric S. Keasel | |
| Total Number of Pages in This Submission | | Attorney Docket Number | 8212 |

ENCLOSURES (check all that apply)

| | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement Accompanying Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|----------------------------------|-------------|--------|
| Firm | Reinhart Boerner Van Deuren s.c. | | |
| Signature | | | |
| Printed Name | Leslie S. Miller | | |
| Date | January 14, 2005 | Reg. No. | 30,662 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|------------------|------|------------------|
| Signature | | | |
| Typed or printed name | Leslie S. Miller | Date | January 14, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL
for FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1,500.00**Complete if Known**

| | |
|----------------------|------------------|
| Application Number | 10/045,331 |
| Filing Date | 10/23/2001 |
| First Named Inventor | Thomas J. Watson |
| Examiner Name | Eric S. Keasel |
| Art Unit | 3754 |
| Attorney Docket No. | 8212 |

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____☐ Deposit Account Deposit Account Number: 18-0882 Deposit Account Name: Reinhart Boerner Van Deuren s.c.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s)☐ Credit any overpayments

Under 37 CFR 1.16 and 1.17, except for the issue fee

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|----------------------|-------------|----------------------|------------------|----------------------|----------------|
| | Fee (\$) | Small Entity Fee(\$) | Fee(\$) | Small Entity Fee(\$) | Fee(\$) | Small Entity Fee(\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | _____ |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | _____ |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | _____ |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | _____ |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | _____ |

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Small Entity

Fee (\$)

Each independent claim over 3 (including Reissues)

Fee (\$)

Multiple dependent claims

Fee (\$)

Total Claims**Extra Claims****Fee(\$)****Fee Paid (\$)**

_____ -20 or HP= _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims**Extra Claims****Fee(\$)****Fee Paid (\$)**

_____ - 3 or HP= _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims**Fee (\$)****Fee Paid (\$)****3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|---------------------|--------------|--|----------|---------------|
| _____ - 100 = _____ | / 50 = _____ | (round up to a whole number) x _____ | | |


4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Petition for Revival of an Application for Patent Abandoned for Failure to Notify

the Office of a Foreign or International Filing

\$1,500.00**SUBMITTED BY**

| | | | | | |
|-------------------|---|--------------------------------------|------------------|-----------|--------------|
| Signature |  | Registration No. (Attorney/Agent) | 30,662 | Telephone | 414-298-8321 |
| Name (Print/Type) | Leslie S. Miller | Date | January 14, 2005 | | |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: January 14, 2005.

Reinhart Boerner Van Deuren S.C.

By: Leslie S. Miller
Leslie S. Miller

Date: January 14, 2005

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 3754

EXAMINER: ERIC S. KEASEL

In re application of: Thomas J.)
Watson and Wade C. Patterson)
Application No: 10/045,331)
Filed: October 23, 2001)
Attorney Docket No. 8212)

For: SYSTEM AND METHOD FOR
FILTERING REFLECTED
INFRARED SIGNALS

Commissioner for Patents
Attention: Office of Petitions
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

January 14, 2005

STATEMENT ACCOMPANYING PETITION FOR REVIVAL
OF AN APPLICATION FOR PATENT ABANDONED
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN
OR INTERNATIONAL FILING UNDER 37 C.F.R. 1.137(f)

Sir:

In an Office Action dated September 14, 2004, the Examiner noted that

Applicants' nonpublication request in the present patent application was not rescinded,

that the invention disclosed in the present patent application is the subject of WO 2002/061955, EP 1330882, and AU 2002249880, and that there was no notification of the foreign (or multilateral) filings. Accordingly, it was indicated that the application would be held abandoned, and that Applicants should file a petition under 37 CFR 1.137(b)(f).

Applicants' undersigned attorney has taken over the prosecution of the present patent application and a number of other related patent applications, and recently reviewed and began a response to the September 14, 2004, Office Action in the present patent application. Following a review of the patent application and the foreign (and multilateral) filings referenced by the Examiner, it appears that the Examiner is indeed correct. Review of a number of related patent applications which are commonly owned and directed to related subject matter, as well two issued patents which are also commonly owned and directed to related subject matter, have the same error in that they also requested nonpublication and failed to rescind the nonpublication request in a timely fashion.

Applicants' undersigned attorney has spoken with members of the U.S. Patent and Trademark Office Office of Petitions, including Mr. Jayprakash N. Gandhi, Mr. Paul A. Shanoski, and Mr. Mark O. Polutta regarding the various cases. Applicants greatly appreciate the kind assistance afforded by these individuals. It has come to the attention of Applicants' undersigned attorney in the course of these discussions that a number of attorneys and firms have made such mistakes.

The failure to rescind the request not to publish was inadvertent and not intended by Applicants. A copy of a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign of International Filing (Form PTO/SB/64a) and the requisite fee of \$1,500.00 is enclosed herewith. The U.S. Patent and Trademark Office is also authorized to charge any additional fee(s) required to restore the present patent application to pending status, or to credit any overpayment, to Deposit Account No. 18-0882.

Simultaneously with the filing of this petition, an Amendment A and an extension of time of one month in responding to the Office Action of September 14, 2004, are being filed. Since this Petition must be sent to a different mail stop than the Amendment A and extension of time, they are not enclosed herewith, but rather are being sent separately. It is believed that the extension of time included with Amendment A is sufficient to extend the time for response for this Petition for Revival as well. Should that be incorrect, an extension of one month is being requested for the filing of this Petition to Revive, and the U.S. Patent and Trademark Office is also authorized to charge the fee for that extension to Deposit Account No. 18-0882.


Accordingly, Applicants respectfully request favorable consideration of the Petition to Revive and restoration of the present patent application to pending status. Should the Office of Petitions believe that the restoration of the present patent application

Petition for Revival Dated January 14, 2005

Reply to Office Action of September 14, 2004

to pending status may be expedited by a telephonic discussion, the Office of Petitions is requested to call Applicants' undersigned attorney at the number listed below.

Respectfully submitted:

BY 
Leslie S. Miller
Attorney for Applicants
Registration No. 30,662

Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 2100
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